REMARKS

Claims 1-58 were rejected in a non-final office action mailed June 12, 2008. Applicants have amended claim 1 to recite "generating a list of users to receive advertisements, comprising matching received feedback on prior activities of a user at a Web site to selection criteria." Applicants have further amended claim 1 to recite "selecting . . . advertising content for display based upon the generated list and the received feedback." Applicants have also removed the term "advertiser" from claim 1. Applicants have amended independent claims 19, 37, and 55 in a similar manner. In addition, dependent claims 3-9, 12-17, 21-27, 30-35, 39-45, and 48-53 have been amended to conform to the independent claims. Support for these amendments may be found, for example, at paragraphs 32-38, 41, and 55-57, as well as FIG. 3. As such, these amendments add no new matter.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112: CLAIMS 1-58

Claims 1-58 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter that Applicants regard as the invention. In particular, the office action states that the term "advertiser" is indefinite. Without conceding the correctness of the rejection, to advance prosecution Applicants have amended the claims to remove the term "advertiser." As such, the Applicants respectfully request that the Examiner withdraw the rejection.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102 AND 103: CLAIMS 1-58

Claims 1, 2, 5-11, 18-20, 23-29, 36-38, 41-47, 54, and 55 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,285,987 to Roth et al. Claims 3, 4, 12-17, 21, 22, 30-35, 39-40, and 48-56 stand rejected under 35 U.S.C. 103(a) as being unpatenteable over of Roth et al. Claims 1, 19, 37, and 55 are independent. Applicants respectfully traverse these rejections.

As amended, independent claim 1 recites "generating a list of users to receive advertisements, comprising matching received feedback on prior activities of a user at a Web site

to selection criteria." Amended claim 1 also recites "selecting . . . advertising content for display based upon the generated list and the received feedback." Independent claims 19, 37, and 55 recite similar limitations. Because the cited portions of Roth neither teach nor suggest these features, Applicants respectfully submit that the pending claims are patentable over Roth.

Roth describes an advertising server that compares advertisers' bids in real time to determine which advertisement to display. (Roth, col. 2, lines 7-19.) When a view opportunity present itself, (i.e., when a user accesses a webpage that references the advertising server) the server supplies characteristics of the view opportunity to bidding agents. (Roth, col. 4, lines 26-43) These characteristics include information about the user such as demographic information and other sites the user has visited. (Roth, col. 2, lines 11-19.) The agents bid to display advertisements to the user based on the characteristics of the view opportunity. (Roth, col. 4, lines 26-43) The Examiner interprets this bidding process to indirectly select advertisements based on user characteristics. (Office Action mailed November 16, 2007, pg. 4.)

Regardless of whether the Examiner's interpretation of Roth is correct—and Applicants respectfully submit that it is not—Roth does not teach or suggest generating a list of users to receive advertisements by matching received feedback on prior activities of a user at a Web site to selection criteria. Roth describes providing characteristics of an individual user currently viewing a webpage to bidding agents. Even assuming that the Examiner's assertion that Roth selects advertisements based on user characteristics is correct, the cited portions of Roth are silent regarding generating a user list by matching prior user activity to selection criteria. Roth is similarly silent regarding using the generated user list, along with received feedback on prior user activities, to select advertising content. As such, for at least these reasons, Applicants respectfully submit that claim 1 is allowable over the cited art.

Claims 2-18 and 56 depend from claim 1 and are allowable for at least the same reasons set forth above with respect to claim 1.

Claims 19 is a system claim including components for re-targeted advertisement selection. Claim 19 is allowable for at least the same reasons set forth above with respect to claim 1.

Claims 20-36 and 57 depend from claim 19 and are allowable for at least the same reasons set forth above with respect to claim 19.

Claims 37 is a machine-readable medium claim including instructions for re-targeted advertisement selection. Claim 37 is allowable for at least the same reasons set forth above with respect to claim 1.

Claims 38-54 and 58 depend from claim 37 and are allowable for at least the same reasons set forth above with respect to claim 37.

Claims 55 is a system claim including means for re-targeted advertisement selection. Claim 55 is allowable for at least the same reasons set forth above with respect to claim 1.

CONCLUSIONS

Accordingly, each of the claims 1-58, as amended, are in form for allowance. As such, Applicants request that the Examiner allow claims 1-58.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 11-11-2008

Linzy T McCartney
Reg. No. 61,886

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

60514440.doc